

Exhibit

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE  
EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. ) Civil Action No.  
 ) 05-CV-0374  
NABSTAR, LLC, d/b/a SLEEP INN, )  
 )  
Defendant. )

Deposition of JAY PATEL taken pursuant to notice at the offices of The Attorney General, 1007 Orange Street, Wilmington, Delaware, beginning at 1:30 p.m. on Thursday, March 9, 2006, before Anne L. Adams, Registered Professional Reporter and Notary Public.

APPEARANCES:

RACHEL M. SMITH, ESQ.  
UNITED STATES EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION - PHILADELPHIA DISTRICT  
The Bourse  
111 S. Independence Mall East  
Suite 400  
Philadelphia, Pennsylvania 19106-2515  
for the Plaintiff,  
KEVIN J. CONNORS, ESQ.  
MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN  
1220 Market Street, 5th Floor  
P.O. Box 130  
Wilmington, Delaware 19899  
for the Defendant.

ALSO PRESENT: Islyn Palmer

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1 JAY PATEL,  
2 the witness herein, having first been  
3 duly sworn on oath, was examined and  
4 testified as follows:

5 EXAMINATION

6 BY MS. SMITH:

7 Q. Hello, Mr. Patel. My name is Rachel Smith. I'm  
8 a trial attorney with the US EEOC. I'm here to take your  
9 deposition in the matter of EEOC versus Nabstar, doing  
10 business as Sleep Inn, related to charges Ms. Islyn  
11 Palmer has brought against Nabstar, LLC.

12 A. Okay.

13 Q. What is your full name, for the record, and your  
14 current address?

15 A. Jay Patel. My home address?

16 Q. Yes.

17 A. 18 Amberfield Lane.

18 Q. Could you spell that?

19 A. A-M-B-E-R-F-I-E-L-D.

20 Q. Are you represented today by counsel?

21 A. Yes.

22 Q. And that would be Mr. Connors?

23 A. Yes.

24 Q. Have you ever been deposed before?



1 A. No.

2 Q. So you are aware you are under oath and your  
3 testimony is being recorded under the same penalty of  
4 perjury as if you were in a court of law. Do you  
5 understand that?

6 A. Yes.

7 Q. When I ask you questions and we're going back and  
8 forth sometimes, it may seem to be a conversational tone  
9 and we will want to interrupt one another. So if you do  
10 me the courtesy of not talking over me and I will attempt  
11 to do the same for you. That way the court reporter will  
12 be able to take down one person at a time.

13 If you could respond to my questions with a  
14 verbal yes or no or whatever your answer is in words and  
15 not uh-huh or uh-uh or shaking or nodding of the head  
16 because the court reporter can't transcribe that.

17 A. Okay.

18 Q. If you need a break, as you know, just inform  
19 myself and counsel will decide on an appropriate time to  
20 break. If counsel objects to any of my questions, allow  
21 counsel to fully state its objection and then we can  
22 resolve the objection and, most of the time, you will be  
23 able to answer the question that's asked.

24 Are you on any medications or under the



1 influence of any drugs or alcohol that could impede your  
2 ability to testify truthfully today?

3 A. No.

4 Q. Did you review any documents in advance of your  
5 testimony today?

6 A. Just the answers that we supplied to you, recent  
7 questionnaire that was given to us.

8 Q. Were there any other documents that you reviewed?

9 A. I reviewed documents in our, the previous  
10 deposition while we were sitting here.

11 Q. Did you review any documents to refresh your  
12 recollection?

13 A. No. I have a pretty good -- I remember the whole  
14 case myself. So I didn't have to.

15 Q. When did you begin working with Nabstar, LLC?

16 A. That was form when we purchased the Sleep Inn.  
17 So usually the corporation is formed about a month or two  
18 before the acquisition is done. So, you know, the  
19 company that bought it, you know, I was overseeing. And  
20 I'm just the regional vice-president for the company.

21 Q. You became regional vice-president of Nabstar,  
22 LLC?

23 A. Well, I was involved from the time that they put  
24 the contract on the hotel to buy it.



1 Q. What was your involvement regarding the contract  
2 and purchase of Sleep Inn?

3 A. I was working with the acquisition part of it,  
4 figuring out the contract language, closing. However,  
5 the sellers were not very cooperative. And they did not  
6 give us any information until pretty much July 30th.

7 Q. I guess the question that I'm asking is: You  
8 became regional vice-president of Nabstar, LLC, in what  
9 year?

10 A. 2003. I don't remember the exact date. But  
11 that's usually done probably a month or two before the  
12 contract was going to close.

13 Q. Did someone place you in that position?

14 A. Yes. My father.

15 Q. Is what is your father's name?

16 A. Bob Patel.

17 Q. And what is his role in Nabstar, LLC?

18 A. He's a president.

19 Q. Now, are you and your father both owners of Sleep  
20 Inn?

21 A. Yeah, part owners. We have other owners in it.

22 Q. And does your father own Nabstar, LLC?

23 A. No. It's owned by a group of investors.

24 Q. And who placed your father in the role of



1 president?

2 A. The investors.

3 Q. Is there any specific names of the investors?

4 A. Yeah. Haresh Joshi, Vikas Joshi. H-A-R-E-S-H  
5 J-O-S-H-I, V-I-K-A-S J-O-S-H-I.

6 Q. Those are the investors?

7 A. Yeah. And I don't remember the other ones.  
8 There might be smaller ones in there. But I'm not  
9 familiar with them.

10 Q. So the main investors hired your father to become  
11 president of Nabstar. So the main investors of Nabstar  
12 hired your father to become president of Nabstar; is that  
13 correct?

14 A. Yes.

15 Q. And was that while they were compiling or  
16 organizing the actual company of Nabstar?

17 A. Yes. Well, for each acquisition, they form a new  
18 corporation. So there is no hotels involved in this.  
19 There is only one hotel involved with this corporation.

20 Q. So, basically, this company was created for the  
21 sole purpose of purchasing Sleep Inn Hotel?

22 A. Correct.

23 Q. And for which purpose your father is the  
24 president?



1 A. Uh-huh.

2 Q. And he then hired you as regional vice-president;  
3 is that correct?

4 A. Yes.

5 Q. And what year did all this occur?

6 A. 2003.

7 Q. And prior to your becoming regional  
8 vice-president, what was your previous employment?

9 A. Well, I serve in a similar role for another hotel  
10 that we have, which was formed the same way, different  
11 corporation.

12 Q. So you are a regional vice-president for other  
13 corporations that purchase hotels currently?

14 A. Yes.

15 Q. What other hotels or companies that own the  
16 hotels did you serve as regional vice-president?

17 A. Nab Hospitality.

18 Q. Is that what the hotel's name is?

19 A. No, that's the corporation.

20 Q. What hotel does Nab Hospitalities own?

21 A. Hawthorne Suites.

22 Q. And you are currently regional vice-president in  
23 that capacity?

24 A. Yes.



1 Q. Are there any other hotels you currently service  
2 as regional vice-president?

3 A. No.

4 Q. You only serve as a regional vice-president at  
5 this time for two?

6 A. Yes.

7 Q. Prior to serving as regional vice-president to --  
8 Nab Hotels is it? What is the name of your other  
9 corporation?

10 A. Nab Hospitalities.

11 Q. Prior to that, what was your employment?

12 A. I was general manager for them, for the hotel.

13 Q. And what year were you general manager?

14 A. I have been general manager from 1996 until 2003  
15 on and off. There have been times where I have had  
16 somebody come in and so I kind of step back and I've  
17 stepped back in.

18 Q. Is there a reason why you would step back from  
19 becoming general manager?

20 A. So I would try to find other opportunities for  
21 them, for the hotel, opportunities for them.

22 Q. Hotel opportunities for the corporation?

23 A. Yes.

24 Q. Were you in sales as well?



1 A. When I was GM, I did slight sales, like people  
2 call it in and you answer phone calls. So that involves  
3 as part of the GM duties everywhere.

4 Q. So you are a general manager of Nab Hospitality  
5 from 1996 until 2003?

6 A. Right.

7 Q. And prior to 1996, what was your employment?

8 A. I worked for a computer programming company for  
9 about five months. And prior to that, I graduated from  
10 University of Delaware.

11 Q. And prior to your collegiate tenure, did you go  
12 right from high school into college?

13 A. Yes.

14 Q. And what was your degree in?

15 A. Electrical engineering.

16 Q. And in your capacity as regional vice-president  
17 of Nabstar, what are your duties and responsibilities?

18 A. I have to oversee the general managers. We have  
19 regular meetings. Could be once, twice or as needed with  
20 the managers. And in that we discuss the entire  
21 operation from the staffing, you know, if there is  
22 scheduling, they have difficulty scheduling, sales, any  
23 supply ordering. Basically, you run the operation  
24 smoother.



1 Q. So were you a support for the general managers of  
2 your hotels?

3 A. Yes.

4 Q. How many general managers at this time does  
5 Nabstar, LLC, have?

6 A. Just one.

7 Q. And who is that general manager?

8 A. Joan Payne.

9 Q. And you oversee, you supervise or you oversee  
10 Ms. Payne's duties and responsibilities as general  
11 manager; is that correct?

12 A. Correct.

13 Q. Do you know what her duties and responsibilities  
14 are --

15 A. Yes.

16 Q. -- as general manager?

17 A. Yes. She --

18 Q. I will ask the question. What are Ms. Payne's  
19 responsibilities as general manager of Nabstar, LLC?

20 A. She's in charge of the operation of the hotel,  
21 sales. The operation side involves hiring, termination  
22 of the employees, training of the employees, sales,  
23 maintenance of the property. Basically, she's  
24 responsible 7 days, 24 hours for the operation of the



1 hotel is running properly, resolve any guest issues  
2 immediately. If there were any employees' issues, she  
3 needs to have a meeting with the employee.

4 Q. As regional vice-president, have you ever offered  
5 any training on any of the laws of discrimination, either  
6 state or federal?

7 A. Yes. We have the mandated poster that's involved  
8 there. Most of these laws, people have worked at a hotel  
9 organization. That's where we pick them out. So  
10 everybody has the same laws that have already been  
11 trained in the past.

12 As an enforcement, we go through this  
13 regularly in our meetings. So if there are any  
14 questions, she will ask about it. But all the laws are  
15 posted at all the properties. And since she came from  
16 the bigger property, you know, that required very little  
17 learning curve versus somebody fresh in the position.

18 Q. So as far as her job duties were concerned, you  
19 did not need to train her as far as her job duties were  
20 concerned? Miss Payne I'm talking about.

21 A. No, I did have to train her in the sense of the  
22 operation and scheduling part, hiring people because that  
23 is something she had not done before. However, in  
24 regards to her training, it was an ongoing training



1 because we were buying an existing operating hotel. So  
2 we to have general manager. However, since we are not a  
3 big company, only one hotel under Nabstar, we had to  
4 train a manager also at the same time. But she was in a  
5 hotel industry. It was easy to understand the hotel  
6 business part of it.

7 Q. Well, my question was: Was she given specific  
8 training on the laws against discrimination, either state  
9 or federal? Besides the posters hanging, was there ever  
10 a meeting or a training held or led regarding the laws of  
11 discrimination?

12 A. No, not at that time. Because --

13 Q. Well --

14 A. Let me finish.

15 Q. It was just a yes or no question. You said that  
16 you had trained Miss Payne on the scheduling, on how to  
17 schedule employees because she had never done that  
18 before; is that correct?

19 A. Yes, yes.

20 Q. When do you recall, when was the sale and  
21 purchase of Sleep Inn Hotel by Nabstar, LLC? When was  
22 that completed?

23 A. It was Monday. I think it's August 4th was a  
24 Monday.



1 Q. So the sale was completed August 4, 2003?

2 A. Correct. That's when we took possession, after 3  
3 p.m.

4 Q. From the previous owners?

5 A. Yes.

6 Q. Were the previous owners on the property on  
7 August 4th at all?

8 A. I can't remember if they were there before. But  
9 at the time of the closing, they just sent their general  
10 manager to hand us the keys and left. That's it.

11 Q. Who was their general manager, the previous  
12 owners?

13 A. Lynn -- I'm not sure about the last name. Lynn  
14 Hopkins I think. Lynn is the first name.

15 Q. Now, in acquiring this hotel, you had testified  
16 just a couple minutes ago that they weren't very  
17 cooperative you didn't get a lot of information from  
18 them.

19 A. Right.

20 Q. What information is needed to purchase a hotel?

21 A. Typically, what the sales are booked, what  
22 supplies we have, who is on staffing level. That was the  
23 most important item. And we were not even allowed to  
24 talk to any of their employees until we purchased the



1 hotel. That was their condition.

2 Q. Until the purchase was made on August 4th; is  
3 that correct?

4 A. Correct. However, we requested as a courtesy,  
5 and finally after begging to them, on July 30th, they  
6 actually scheduled an orientation.

7 Q. So the previous owners scheduled an orientation  
8 for the persons on staff to meet the new owners?

9 A. Yes. And that was the result because of  
10 somebody, from competitor in the market, that it was  
11 being sold so the employees started leaving. So they  
12 said employees are scared. And I said no problem. We  
13 will come in if you want us to come in. However, we  
14 asked this information a long time ago.

15 Q. Right. Okay. So as did you know at that time --  
16 you said July 30th was the orientation?

17 A. July 30th, 31st, somewhere around there. I  
18 remember the 30. I'm thinking it's 30. It was in the  
19 middle of the week.

20 Q. Did you, at that time, have a general manager?

21 A. No. Actually, we had hired -- well, we  
22 supposedly thought we had a general manager who decided  
23 not to come on board about a week prior to it.

24 Q. Do you know that individual's name?



1 A. I can't recall right now. But -- no, I can't  
2 recall. I don't want to quote you a wrong last name.  
3 But we had an offer letter. He signed it. Or he didn't  
4 sign it.

5 Q. You sent an offer letter to this individual and  
6 they decided not to come on board?

7 A. Right. Because the transaction was taking longer  
8 and, apparently, he found another job.

9 Q. And when did you hire Miss Payne for the job of  
10 general manager?

11 A. She was hired the Friday before the closing. So  
12 that would be, I think, August 1st.

13 Q. Was Miss Payne made aware of the orientation that  
14 took place?

15 A. Not until we actually closed the property, and  
16 then in our weekly meetings we started talking at those  
17 orientations.

18 Q. Were you present at the orientation on --

19 A. Yes, I was.

20 Q. Let me finish the question. Were you present at  
21 the orientation on July 30th, 2003?

22 A. Yes.

23 Q. And do you recall if any employees showed up to  
24 that orientation?



1 A. They did not provide us names. But we knew the  
2 general manager and the front office manager. So I saw  
3 them. I do not remember seeing Islyn.

4 Q. I didn't ask that. I asked if any employees  
5 showed up to the meeting.

6 A. There were quite a bit of employees. But they  
7 told me that few employees did not show up. And there  
8 was no sign-up sheet that they gave out. However, they  
9 did not give us full access to any of this information.  
10 So it was very hard to do this.

11 Q. You said you were there at the orientation,  
12 correct?

13 A. Uh-huh.

14 Q. And you said it had been very difficult for you  
15 to even get information on the employees; is that  
16 correct?

17 A. Yes, until they were sure that we were going to  
18 go close on Monday.

19 Q. So at that time, on July 30th, they did allow you  
20 access through this orientation to meet the employees,  
21 correct?

22 A. Very limited though.

23 Q. Okay. When you say limited, were you allowed to  
24 speak to anyone?



1 A. In a sense that tell them that we are purchasing  
2 the hotel. And what do you do with employees? And we  
3 said we would like to keep almost all of them. However,  
4 they will have to apply with us.

5 Q. They will have to fill out a whole new  
6 application?

7 A. Right. That's a standard procedure at all  
8 businesses. They have to re-apply with the new owners.

9 Q. So you told the prior owners that or did you tell  
10 the employees that you wanted them to fill out new  
11 applications?

12 A. Employees. We told them they will have to fill  
13 out new paperwork. Everything will start new as they  
14 were newly applying for the position. Because that's  
15 according to the laws and standard practice of every new  
16 business acquisition.

17 Q. Right. Now, were you in charge of receiving or  
18 reviewing new applications?

19 A. Not quite. That was supposed to be done with the  
20 general manager in accordance because that would be my  
21 helping hand.

22 Q. Was there ever a time when an application is  
23 filled out and Ms. Payne was not aware of that  
24 application being filled out?



1 A. That has happened.

2 Q. Do you remember with whom?

3 A. That's what we're sitting here for. Islyn  
4 Palmer.

5 Q. Is there anyone else besides Ms. Palmer that  
6 happened to?

7 A. Marisol Gomez was another instance which I had to  
8 hire because I did not have a general manager on board.

9 Q. But did you accept Miss Gomez's application?

10 A. Yes.

11 Q. You were aware that it existed, correct?

12 A. Yes. She had applied.

13 Q. I guess my question -- I will repeat the  
14 question. Besides Ms. Palmer, has there ever been any  
15 employee that has applied, had an application in an  
16 employee file in your records that you did not know  
17 about?

18 A. You have to clarify the question because it could  
19 be before or after.

20 Q. After Nabstar took over -- we are discussing as  
21 regional vice-president of Nabstar -- at any time has any  
22 other employee filled out an application that you weren't  
23 aware that they applied to work and then subsequently  
24 worked?



1 A. I'm not sure I quite I understand the question.  
2 Because currently the employees apply over there that I'm  
3 not aware because the regular front desk housekeeping  
4 employees, we don't get to see them. I typically only  
5 get to see the management staff applications.

6 Q. Well, I will rephrase the question. Has there  
7 ever been an issue or problem with an employee that works  
8 on staff that Nabstar, LLC, had not been aware that they  
9 had ever worked there? Has there ever been an issue or a  
10 problem where that is concerned similar to the problem  
11 with Mrs. Palmer?

12 MR. CONNORS: I object to the form.

13 A. I'm not quite understanding the question.

14 Q. I will rephrase it again. You had mentioned  
15 earlier that the reason why you here is because of the  
16 situation with Ms. Palmer. She filled out an application  
17 and you weren't aware of that happening.

18 A. No, I think I'm misunderstanding you.  
19 Mrs. Palmer filled out an application and we are trying  
20 to find out how she got here. But Miss Payne was not  
21 aware when she filled out application because she  
22 actually had communication with me, meaning Ms. Palmer.

23 Q. So you were aware of Ms. Palmer's employment  
24 prior to her termination; is that correct?



1       A.     I was aware of her employment, but I was not  
2 aware of her employment with the previous owners. So,  
3 you see, as of August 4th, we are a new company. So we  
4 are looking at a fresh new start. And at that point, she  
5 had not applied to us.

6       Q.     On August 4th?

7       A.     Correct.

8       Q.     Do you recall when Ms. Palmer applied to your  
9 company?

10      A.     Actually, she applied on a Saturday August 9.  
11 The way she applied was, we were not aware of her. So  
12 employees leaving in total chaos, we put in a person over  
13 there to do the morning breakfast because that's required  
14 by our franchise company. So what happened was, I called  
15 the hotel in the morning. And the front office manager  
16 was working because Miss Payne was off. It a Saturday.  
17 She was off, working the whole week.

18               And the manager said there is a lady in the  
19 lobby screaming out here at everybody saying this is her  
20 job. I said I don't know who this person is. I said,  
21 okay, wait until I get there. And I got there in about  
22 an hour and I talked to her.

23      Q.     You talked to Miss Palmer on August 9th?

24      A.     Yes. And that's when I said you have to put in



1 an application. And then we know you have to talk to the  
2 manager. And then based on your schedule, she will try  
3 to work with you. But we want to hire you because we are  
4 not trying to lay off people here.

5 Q. Because earlier you testified that you wanted to  
6 try to keep as many people as possible; is that correct?

7 A. Correct. But what I was not aware of, her  
8 part-time schedule.

9 Q. I haven't gotten there yet.

10 A. No. But on August 9 when we talked about it, I  
11 said what you have to do is apply here, take the  
12 application and employee handbooks, you have to sign all  
13 that. And then because the manager -- Joan Payne is the  
14 general manager. She's not here. You will have to talk  
15 to her on Monday.

16 Q. And that would have been the 11th?

17 A. Right. Now, at that point --

18 Q. Are you answering a question?

19 A. Yeah. I'm finishing up the application part. So  
20 that's an example of the application that I was aware of  
21 but she was not aware of.

22 Q. Has that ever happened with any other employee?

23 A. Not after the first two or three weeks because  
24 the first two or three weeks we had a lot of chaos



1 because we didn't know who was staying and who was not  
2 coming on board.

3 Q. So, basically, is Ms. Palmer the only employee  
4 that you ever had that problem with?

5 A. Yes, correct.

6 Q. Did Miss Payne start as general manager on August  
7 4th, 2003?

8 A. Yes.

9 Q. And had she been trained as far as scheduling and  
10 the operation of the business prior to August 4, 2003?

11 A. Not with us because that was her first day. But  
12 I assume maybe she was trained in the past employments  
13 that she worked at.

14 Q. And among the things that you're aware of that  
15 she did not know as far as her job as general manager, I  
16 think you testified, was scheduling and payroll; is that  
17 correct?

18 A. Yes.

19 Q. So after her first day at work, did you then take  
20 it upon yourself to then train her on these different  
21 aspects of her job?

22 A. Right. We, actually, had a meeting a few days  
23 later because we needed a few days to sort out who was  
24 actually here. Because as we walked into the hotel, we



1 found out the employees said I'm leaving now. I'm down.  
2 I said, aren't you staying? No, I'm done with this job  
3 and I'm going home. See ya. So we found out several  
4 employees like that. We weren't sure who was going to  
5 show up to work that evening or the next day in the  
6 morning. Based on my experience, we go ahead and stock  
7 up with the employees.

8 Q. You just go ahead and --

9 A. Start hiring some of the key position employees.  
10 And so back Thursday or Friday, I think I had a brief  
11 meeting on scheduling. I said from whatever list that  
12 you have that have already applied to you, you make your  
13 schedules from that one.

14 Q. Was there an existing schedule?

15 A. None that I saw. I was not aware of the existing  
16 schedule. And that's the other comment to it, because  
17 the sellers really didn't leave us with much. And if  
18 they did, after the first Monday, we just didn't even  
19 take that seriously because half the employees didn't  
20 really stay. What I'm saying is some of the employees  
21 didn't really stay. So we really thought just take an  
22 inventory of who is in-house and we will make a new  
23 schedule according to our policy.

24 Q. In trying to take stock amidst all the chaos of



1 trying to find out who's staying, people are leaving, the  
2 day you arrived as the new owners, how did you go about  
3 doing that as regional vice-president?

4 A. Since we came in after 3:00, that means all the  
5 housekeeping was already done and it was part of the  
6 previous owners' pay and their accounting. So we really  
7 don't know much about housekeeping. So that led to  
8 another problem over the breakfast. Because the  
9 housekeeping and breakfast is pretty much the same  
10 department. The same department oversees.

11 Now, the problem with the breakfast was  
12 Mr. Steven Chen, who is the brother of the previous  
13 owner, his wife used to do the head housekeeping and the  
14 breakfast in the morning. However, as part of the sale,  
15 she said they are going back home from Taiwan or China or  
16 wherever they are from and you are on your own from  
17 tomorrow. So we had no idea who was going to do the  
18 breakfast the next day.

19 So the first three or four days were  
20 complete chaos. We were just hoping that people were  
21 showing up to duties as they were under the previous  
22 owner. And if they came in, they would apply with us  
23 first before they got on duty. And then we would start  
24 meeting with them and start talking with them. Because



1 previous owners did not want us to talk to them before.

2 Q. So you came in at 3:00 on August 4th. And most  
3 of the employees had gone for the day; is that --

4 A. All the housekeeping had pretty much left. There  
5 was only one person on the front desk. He was finishing  
6 up until 5:00. The housekeeping had pretty much left  
7 from the hotel. The head housekeeper, the supervisor,  
8 was the previous owners' family. So she had gone. Or  
9 they were in the process of leaving and that was their  
10 last time on the property.

11 And there was the one front desk person who  
12 we thought was going to stay but said I'm leaving as of  
13 5:00. I'm moving to somewhere south. And I said I will  
14 give you a little bit more money. Would you want to stay  
15 here and help us out? Nope. I'm done. I'm taking off.  
16 I said, who's coming in? He said I don't know.

17 So then, at that point, we really don't know  
18 what to do until the next day in the morning when the  
19 housekeeping staff comes to work. And then we know who  
20 we have on the housekeeping staff. Then we would take  
21 the applications and start talking to them and start  
22 understanding them.

23 Q. Okay. So you left around 5:00 on August 4th, you  
24 and Miss Payne, without having spoken to any of the



1 housekeeping staff about who was working, who was on  
2 staff; is that correct?

3 A. Yes, except what the -- I don't know the lady's  
4 name, the supervisor. She said tomorrow the housekeeping  
5 will come in as it is. That's all she said.

6 Q. Okay. And you are not aware of an old schedule  
7 that was in existence?

8 A. No.

9 Q. Do you know if Miss Payne was aware of an old  
10 schedule that was in existence?

11 A. No, I did not know that.

12 Q. When you spoke to Miss Payne about how to  
13 schedule and how to go about her job duties that she was  
14 not familiar with in this position as general manager,  
15 what exactly did you tell her or how did you tell her to  
16 go about the duties of scheduling in particular?

17 A. Typically, we require that you have a supervisor  
18 on duty. You have one breakfast person always dedicated,  
19 not shared like these people that they used to do, you  
20 know, the supervisor is going to do breakfast and all  
21 that. On a standard, I'm giving you general information  
22 how the staffing would be done. That's how I was  
23 explaining to her.

24 However, sometimes people don't come in and



1 people are juggling two duties. That's a different  
2 story. So you would have one breakfast person. You have  
3 one supervisor. You have one laundry person. And based  
4 on the number of rooms they sold the night before, your  
5 average girl gets 13 to 16 rooms to clean. So that's how  
6 you would have your schedule done, based on the forecast  
7 that you would see for the next two weeks.

8 That schedule also gets updated every day  
9 because the hotel business changes every day. Some days  
10 you expect to sell more rooms and you sell less rooms.  
11 And some days you expect to sell less rooms and you sell  
12 more rooms. So she's supposed create a two-week  
13 schedule. However, we knew that the first month would be  
14 very horrible for us because we had no idea about the  
15 business, the staffing levels. So we said, you know  
16 what, we will have to play it but we have to update it  
17 regularly. So almost every day it will have to get  
18 updated also.

19 Q. And this is what you told Miss Payne that week  
20 that you started?

21 A. Right. However, I realized after the first month  
22 that she's very short on memory.

23 Q. Miss Payne?

24 A. Yeah. Extremely short. So my father always used



1 to tell her to write it down because you could have a  
2 conversation with her and she will forget it.

3 Q. Write what down?

4 A. Anything that we tell her. We said key points,  
5 to-do list, you should have a to-do list.

6 Q. As far as scheduling and performing her daily  
7 duties?

8 A. Right. And then I gave her rule of thumb. So,  
9 basically, if you are selling 45 rooms, you would have  
10 three housekeepers because there would be 15 rooms per  
11 girl. So that's how she did the first few weeks of the  
12 schedule.

13 Q. And when you initially started speaking to her,  
14 you wanted to make sure that the hotel was fully staffed  
15 with employees and that the old way of scheduling was not  
16 acceptable?

17 A. Yes. Because we saw that the old management was  
18 not a hotel operator. It was a part-time owner and a  
19 part-time university professor. He was a mom and pop  
20 operation. They had horrible record keeping. Although  
21 they wouldn't even give us any records, but from the one  
22 girl that stayed at the front desk, she said there was  
23 horrible record keeping there. There's really no  
24 management here. The owner really wasn't quite focused



1 in running the hotel. It was a family run hotel. We  
2 spent a month just cleaning out and trying to get some  
3 system established at the property.

4 Q. How were you made aware of the old way that the  
5 owners scheduled employees?

6 A. Well, the housekeeping girls, a lot of them  
7 stayed. But the front desk staff, most of them did not  
8 stay. There is a night auditor who is very good. He  
9 stayed with us for a long time. And he was kind of like  
10 giving Joan a little bit more information about what they  
11 did in the past.

12 Some of the policies they had, we changed it  
13 around. They were getting fixed pay for eight hours  
14 whether they worked or not. And they would just drag  
15 their time. And we said, no, you pay by the hour. Some  
16 of those things we started changing from day one.

17 Q. And if there were any part-time workers, you did  
18 not want any part-time workers. So is that something  
19 else that you changed?

20 A. Well, part-time has always been last on our list  
21 because the nature of the business is 7 days, 24-hour  
22 customer service. So we really need flexible people. In  
23 this country, people call up or sometimes they don't show  
24 up to work. You can get a stomach ulcer in this



1 business. I almost got one, close to it.

2 So that's why I always tell all my general  
3 managers that worked for me in the past, you always fill  
4 up your staffing with the full-timers because it gives  
5 you more flexibility, more people to work with. And  
6 part-time, you always go when you have a need for  
7 part-time. But we are not a seasonal business. We don't  
8 see as much part-time need at this hotel.

9 Q. At the time of the acquisition, were you aware  
10 that there was anyone part-time?

11 A. No. They wouldn't really tell us the number of  
12 employees or who was what. They only gave us the names  
13 of the general manager. And we found out the front  
14 office manager because that's like assistant manager.  
15 Those are the only two people we knew.

16 And then during our initial inspection, we  
17 found that there was a gentleman working in the  
18 maintenance. But we didn't really find that out until  
19 like towards close, right before closing that it was  
20 actually the previous owners' brother.

21 Q. So that was the only part-time worker that you  
22 knew existed?

23 A. No, he was not part-time. He was full-time. I  
24 was giving you example of what we knew about the



1 employees there. We only knew two employees and there  
2 was one maintenance guy and one head housekeeper, which  
3 we did not know was related to the owners and would not  
4 be staying there.

5 Q. As support for Miss Payne, is it customary for  
6 you to transfer information to her that you receive --  
7 let me go back to that time. Well, I will ask in  
8 general.

9 In general from 2003 to the present, do you  
10 meet with Miss Payne on a regular basis to discuss the  
11 goings on of the hotel?

12 A. Yes. If I'm not able to meet, we will do a phone  
13 conference.

14 Q. Has that been going on since Miss Payne has  
15 started working at Nabstar?

16 A. Yes. That's, actually, been going on since the  
17 first week.

18 Q. Since the very first week?

19 A. Yes.

20 Q. And would you discuss customers and schedules and  
21 employees, would that be among the topics that you would  
22 discuss?

23 A. Yes.

24 Q. How much detail would be involved in these



1 conversations?

2 A. If you referring to employee related, it would be  
3 fully detail in the sense that I won't have complete  
4 every minute knowledge of it, but if there are any major  
5 customer complaints, then she is supposed to discuss that  
6 with me.

7 Q. And vice versa?

8 A. Yeah. Well, I would not have any customer  
9 complaints directly to me.

10 Q. Well, anything regarding employees.

11 A. Yeah, anything regarding employees in a sense  
12 that -- well, I would not be, after the first month, I  
13 would not really get involved in hiring of the person  
14 unless I have to do a second interview where she asked me  
15 to just because I'm not sure. But we would discuss both  
16 ways everything about the employees.

17 Q. Did you have a part in hiring Marisol Gomez?

18 A. Actually, I hired because she was not even on  
19 board at that point.

20 Q. You hired who?

21 A. I hired Marisol before I hired Joan. So she had  
22 known that on Monday after she joined that she has a  
23 person. Marisol was actually hired because this lady --  
24 I will call her Chen, the supervisor -- was leaving



1 because she was related to the previous owner, Alice  
2 Yang.

3 MR. CONNORS: Y-A-N-G.

4 A. So she was related to her. And she was the  
5 executive housekeeper, what we call supervisor, same  
6 thing. We thought we did not have one. So this is the  
7 only application I had in my hand. She had worked  
8 housekeeping. So we asked her can she join and do both,  
9 housekeeping, executive housekeeping and breakfast.

10 Q. Let me just clarify to make sure. Marisol, had  
11 she already been working there?

12 A. No, she was not working. She, actually, applied  
13 as an application that I was given for her from one of  
14 the other hotels. So I said, okay, I can take her. And  
15 I asked her would you be interested as a temporary  
16 supervisor if I need you to be and do the breakfast. She  
17 goes okay. I'm not sure, but you know what, we may need  
18 you because I don't know who's going to be doing the  
19 breakfast in the morning. We are completely open. I  
20 said you come in on Tuesday morning in the morning. And  
21 if there is nobody there, you are in charge.

22 Q. So I wasn't clear on how you got Miss Marisol  
23 Gomez's application. She applied to another hotel?

24 A. She had applied to another hotel. And we know



1 everybody in the area as part of the business. And they  
2 gave me the application saying if you are looking for  
3 housekeeping, here's an application. She had actually  
4 applied at the Hawthorne Suites, which is our sister  
5 property. I was not looking for housekeeping there  
6 because I already had a supervisor there. I said, you  
7 know what, next week we are buying on this Sleep Inn and  
8 closing on it. We don't have a supervisor.

9 Q. Are you also -- I'm sorry. Continue.

10 A. So I called her in for an interview. And she was  
11 not really interested in Sleep Inn at first. But I said,  
12 look, if you want to start, I have an immediate opening  
13 here. Because I know I don't have a supervisor and I  
14 know because the supervisor was the breakfast person. I  
15 know I don't have that either. And I don't know who does  
16 what.

17 Q. Were you also regional vice-president of the  
18 Hawthorne?

19 A. Yes.

20 Q. And so who contacted you regarding Marisol  
21 Gomez's application?

22 A. I think it was either the general manager or the  
23 executive housekeeper there. I can't remember who it  
24 was. But it was just left in my box for me.



1 Q. Were they made aware somehow that you needed a  
2 breakfast attendant, assistance in housekeeping at the  
3 Sleep Inn Hotel?

4 A. Yes. Because we always tell them to keep an eye  
5 out for -- because people just walk in and apply for  
6 jobs -- anybody you feel like is a candidate and give it  
7 to us.

8 Q. For the Sleep Inn Hotel.

9 A. For Sleep Inn. And we sometimes do that vice  
10 versa too. If Hawthorne needs or one of my friends in  
11 the area that needs help, they'll tell us, hey, if you  
12 have more applications, can you fax us the applications?

13 Q. Okay. So once Miss Gomez was hired as the  
14 breakfast attendant, you informed Miss Payne, correct,  
15 that she was going to be her breakfast attendant; is that  
16 correct?

17 A. I did not tell Ms. Payne until probably later on  
18 Monday night. But I don't think she even remembered. I  
19 said you don't worry about it because this was completely  
20 new to her, the housekeeping operation. I said you don't  
21 worry about it this week. I'm going to be here with you  
22 trying to understand and teach you on the hotel  
23 housekeeping side of it. Because she was always in the  
24 sales, always talks through the front desk in her



1 previous job.

2 I told her tomorrow morning you will have  
3 this lady come in. And if you don't have a breakfast  
4 attendant or the previous people didn't schedule any  
5 housekeeper as a breakfast attendant, try to learn and  
6 take over.

7 Q. So at some point because Miss Payne, as general  
8 manager, is in charge of the staffing and scheduling, at  
9 some point she would have to know, have a personal  
10 knowledge of who the staff was; is that correct?

11 A. Yes, she would. Because towards the end of the  
12 week she would have a little bit better knowledge. But  
13 this was one of the worst takeovers that we've had  
14 because, you know, you had an operation running but you  
15 had no idea who was going to come and go.

16 Q. And you said you met with Miss Payne and  
17 discussed in detail about employees, correct?

18 A. Right. But when I met on Thursday -- I actually  
19 saw her the entire week because of the new acquisition.  
20 I was coming in every day to see her. By Thursday or  
21 Friday, I would say we were 70 percent sure of who was  
22 staying with us.

23 Q. And then, at that time, did you inform  
24 Miss Payne, okay, we have this application from Marisol



1 Gomez; she is going to be your breakfast person  
2 permanently; please, schedule?

3 A. Yeah, I think I did. I said if she's doing well  
4 in breakfast, keep her in breakfast until we find  
5 something else. And then maybe we will move her back  
6 into the housekeeping and do more supervision because we  
7 needed a supervisor as well.

8 Q. Do you think it was important, as regional  
9 vice-president, to inform Miss Payne of the employees who  
10 have applied and who are working for Sleep Inn?

11 A. Yes, that is true. And that's why I did inform  
12 her. Just we weren't sure where to keep her.

13 Q. Miss Gomez?

14 A. Miss Gomez. Because we needed more people. And  
15 if we found another breakfast attendant, we would try to  
16 move her back into the housekeeping and give her  
17 breakfast when somebody doesn't come in.

18 Q. Did you receive any applications from any hotel  
19 employees that came to work throughout the week, did you  
20 ask them if they were staying and, if so, can you please  
21 fill out an application; did you do that?

22 A. I'm not sure I understand. You are asking  
23 existing employees or new employees?

24 Q. You had mentioned that you wanted to start



1 getting new applications from people when they came in.

2 A. Right.

3 Q. And the next day you had breakfast people coming  
4 in -- the next day meaning August 5th, 2003. People came  
5 in and you asked them for applications; is that correct?

6 A. Okay. Asking the employees that were already  
7 working there?

8 Q. Yes.

9 A. Yes. Actually, housekeeping employees, quite a  
10 few girls came in. I can't remember if it was a Tuesday  
11 or Wednesday. But when I walked in, they said we would  
12 like to speak to you, kind of like an orientation. I  
13 think it was probably like two days later because they  
14 wanted to understand the system. So I took Joan with me  
15 because I told Joan this is how you do the meetings. And  
16 I wanted them to see you as a general manager.

17 But Joan couldn't speak as much because most  
18 of them are Spanish speaking. There were a couple of  
19 girls that speak English and they would translate for us  
20 into it. So then we had an orientation and they asked  
21 about the scheduling. And we said the same thing. We  
22 look for full-time employees. We look for flexibility.  
23 And if you are not flexible, then we can't always give  
24 you more work because we have to go with somebody that



1 comes in when we need it. Because that's the nature of  
2 our business.

3 Q. And that's what you told the women that asked to  
4 speak to you?

5 A. The housekeeping, right.

6 Q. And is it across the board for you that you need  
7 full-time employees and breakfast attendants and  
8 housekeeping?

9 A. Yes. I always train all my GM's. And one of the  
10 first questions I will ask is how flexible are you to  
11 work. Because if you are, not unless we have certain  
12 time or position open, there is no point even wasting  
13 time interviewing you. If you can only work 9 to 5,  
14 that's not the kind of business we are in.

15 Q. You let people know up front that's your policy?

16 A. Yes, at least that's what I do when I interview  
17 people. Joan was under training. I don't know exactly  
18 what she told people.

19 Q. I didn't ask. I just asked about how you dealt  
20 with the new, not new people, but the existing people  
21 coming in.

22 A. Yes.

23 Q. And you said you wanted to start new and get new  
24 applications. And you did just that?

